REBEL ARCHIVES
WAR DEPARTMENT.

CORRESPONDENCE

OF THE

DEPARTMENT OF STATE,

IN RELATION TO

THE BRITISH CONSULS

RESIDENT IN

THE CONFEDERATE STATES.

RICHMOND:
PRINTED AT THE SENTINEL OFFICE.
1863.

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RECORD BR
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CONTENTS.

PAGE.

Mr. Benjamin to Mr. Mason, (No. 24,) June 6, 1863 5
With the following accompaniments, viz:
A.—Consul Moore to Mr. Benjamin, Feb. 16, 1863 8
B.—Mr. Benjamin to Consul Moore, Feb. 20 1863 9
C.—Letters Patent, revoking exequatur of Consul Moore, June 5, 1863 10
D.—Mr. Benjamin to Consul Moore, enclosing Letters Patent, June 5, 1863 11
E.—Report of Lt. Col. Edgar, May 25, 1863 12
F.—Mr. Moore to J. B. Caldwell, Esq., May 5, 1863 13
Mr. Benjamin to Mr. Mason, (No. 25,) June 11, 1863 14
With the following accompaniments, viz:
A.—Extracts from Richmond Whig of 18th May, 1863 21
B.—Extracts from Richmond Whig of 19th May, 1863 23
C.—Telegram from Admiral Buchanan to Mr. Mallory, June 4, 1863, 23
D.—President Union Bank, Mobile, to Acting Consul Magee, Nov. 11, 1862 24
E.—Acting Consul Magee to President Union Bank, Mobile, Nov. 14, 1862 25
F.—President Union Bank, Mobile, to Acting Consul Magee, (certificate) 25
G.—President Union Bank, Mobile, to W. W. Scrimgeour, Jan. 3, 1863 26
H.—Com. Hitchcock, to Acting Consul Magee, April 8, 1863 27
I.—Circular from Department of State to Foreign Consuls, June 10, 1863 27
Mr. Mason to Earl Russell, July 24, 1863 28
Mr. Mason to Earl Russell, July 29, 1863 28
Earl Russell to Mr. Mason, August 19, 1863, ... 29
Mr. Mason to Earl Russell, September 4, 1863 30
Mr. Benjamin to Mr. Slidell, (No. 25,) October 8, 1863 31
With the following accompaniment, viz:
A.—Mr. Benjamin to Mr. Fullarton, October 8, 1863 38
APPENDIX.—Correspondence of Governor of Georgia with Acting Consul Fullarton 41

REBEL ARCHIVES
WAR DEPARTMENT

CORRESPONDENCE.

(No. 24.)

Mr. Benjamin to Mr. Mason.

DEPARTMENT OF STATE,
Richmond, June 6, 1863.

Hon. JAMES M. MASON, *&c., &c., &c., London:*

SIR: Herewith you will receive copies of the following papers:

A. Letter of George Moore, Esq., Her Britannic Majesty's Consul in Richmond to this department, dated 16th February, 1863.

B. Letter from the Secretary of State to Consul Moore, 20th February, 1863.

C. Letters patent by the President revoking the exequatur of Consul Moore, 5th June, 1863.

D. Letter enclosing to Consul Moore a copy of the letters patent revoking his exequatur.

It is deemed proper to inform you that this action of the President was influenced in no small degree by the communication to him of an unofficial letter of Consul Moore, to which I shall presently refer.

It appears that two persons named Malony and Farrell, who were enrolled as conscripts in our service, claimed exemptions on the ground that they were British subjects, and Consul Moore, in order to avoid the difficulty which prevented his corresponding with this department, as set forth in the paper B, addressed himself directly to the Secretary of War, who was ignorant of the request made by this department for the production of the Consul's commission. The Secretary of War ordered an investigation of the facts, when it became apparent that the two men had exercised the right of suffrage in this State, thus debarring themselves of

all pretext for denying their citizenship; that both had resided here for eight years, and had settled on, and were cultivating farms owned by themselves. You will find annexed the report of Lieutenant Colonel Edgar, marked E, and it is difficult to conceive a case presenting stronger proofs of the renunciation of native allegiance, and of the acquisition of *de facto* citizenship, than are found in that report. It is in relation to such a case that it has seemed proper to Consul Moore to denounce the government of the Confederate States to one of its own citizens, as being indifferent "to cases of the most atrocious cruelty." A copy of his letter to the counsel of the two men is annexed, marked F.

The earnest desire of this government is to entertain amicable relations with all nations, and with none do its interests invite the formation of closer ties than with Great Britain. Although feeling aggrieved that the government of Her Majesty has pursued a policy, which, according to the confessions of Earl Russell himself, has increased the disparity of strength which he considers to exist between the belligerents, and has conferred signal advantages on our enemies in a war in which Great Britain announces herself to be really, and not nominally, neutral, the President has not deemed it necessary to interpose any obstacle to the continued residence of British Consuls within the Confederacy, by virtue of exequaturs granted by the former government. His course has been consistently guided by the principles which underlie the whole structure of our government. The State of Virginia having delegated to the government of the United States, by the Constitution of 1787, the power of controlling its foreign relations, became bound by the action of that government in its grant of an exequatur to Consul Moore. When Virginia seceded, withdrew the powers delegated to the government of the United States, and conferred them on this government, the exequatur granted to Consul Moore was not thereby invalidated. An act done by an agent while duly authorized continues to bind the principal after the revocation of the agent's authority. On these grounds, the President has hitherto steadily resisted all influences which have been exerted to induce him to exact of foreign consuls that they should ask for an exequatur from this government as a condition of the continued exercise of their functions. It was not deemed compatible with the dignity of the government to extort, by enforcing the

withdrawal of national protection from neutral residents, such inferential recognition of its independence as might be supposed to be implied in the request for an exequatur. The consuls of foreign nations, therefore, established within the Confederacy, who were in possession of an exequatur issued by the government of the United States, prior to the formation of the Confederacy, have been maintained and respected in the exercise of their legitimate functions, and the same protection and respect will be accorded to them in future, so long as they confine themselves to the sphere of their duties, and seek neither to evade nor defy the legitimate authority of this government within its own jurisdiction.

There has grown up an abuse, however, the result of this tolerance on the part of the President, which is too serious to be longer allowed. Great Britain has deemed it for her interest to refuse acknowledging the patent fact of the existence of this Confederacy as an independent nation. It can scarcely be expected that we should, by our own conduct, imply assent to the justice or propriety of that refusal. Now, the British Minister, accredited to the government of our enemies, assumes the power to issue instructions to, and exercise authority over the consuls of Great Britain residing within this country; nay, even to appoint agents to supervise British interests in the Confederate States. This course of conduct plainly ignores the existence of this government, and implies the continuance of the relations between that Minister and the Consuls of Her Majesty, resident within the Confederacy, which existed prior to the withdrawal of these States from the Union. It is further the assertion of a right on the part of Lord Lyons, by virtue of his credentials as Her Majesty's Minister at Washington, to exercise the power and authority of a Minister accredited to Richmond, and officially received as such by the President. Under these circumstances, and because of similar action by other ministers, the President has felt it his duty to order that no direct communication be permitted between the consuls of neutral nations in the Confederacy and the functionaries of those nations residing within the enemy's country. All communication, therefore, between Her Majesty's Consuls or Consular Agents in the Confederacy and foreign countries, whether neutral or hostile, will hereafter be restricted to vessels arriving from, or dispatched for neutral ports. The President has the less reluctance in im-

posing this restriction, because of the ample facilities for correspondence which are now afforded by the fleets of Confederate and neutral steamships engaged in regular trade between neutral countries and the Confederate ports. This trade is daily increasing in spite of the paper blockade which is upheld by Her Majesty's government in disregard, as the President conceives, of the rights of this Confederacy, of the dictates of public law, and of the duties of impartial neutrality.

You are instructed by the President to furnish a copy of this dispatch, with a copy of the papers appended, to Her Majesty's Secretary of State for Foreign Affairs.

I am, very respectfully,
Your obedient servant,
J. P. BENJAMIN,
Secretary of State.

(A.)

BRITISH CONSULATE,
Richmond, February 16, 1863.

Hon. J. P. BENJAMIN, *Secretary of State:*

SIR: I have the honor to request your favorable consideration of the following enactment, in as far as it regards British subjects.

I observe that the Legislature of Mississippi has passed an act to amend an act entitled an act to revise and reduce into one the militia and volunteer laws of that State.

Section twelve runs thus:

"*Be it further enacted.* That all white male persons above the age of eighteen years, and under the age of fifty years, residing temporarily or permanently in this State, and not specially exempted by law, shall be liable to serve in the militia of this State."

Also the following order has appeared thus:

"HEADQUARTERS STATE OF MISSISSIPPI,
"*Adjutant and Inspector General's Office,*
"*Jackson,* January 19, 1863.

"SPECIAL ORDER, No. 271.

"Major General T. C. TUPPER:

"SECTION 3. You will order all field, company, and staff officers, not in active service, and all white males between the ages of eighteen and

fifty, who are either permanently or temporarily residing in the State, to be included in the draft, except such as may be liable, and have not been discharged from conscription. All those discharged from conscription, and those discharged from State service by reason of surgeon's certificates, together with those who are exempt from conscription by act of Congress, are to be included in said draft, unless specially exempt by the laws of the State."

By order of "JOHN J. PETTUS,
Governor and Commander-in-Chief.

JONES S. HAMILTON, *Adjutant and Inspector General, State of Mississippi.*"

I would, therefore, now crave your opinion as to the construction of this order, if I am to understand that any act of Congress is to be subservient to the Legislature of Mississippi.

I put this question, as a case has arisen this morning, claiming my interference to protect a British subject, in accordance with the Queen's proclamation of neutrality, from enrolment in that State.

I have the honor to be, sir, &c.,
GEORGE MOORE,
Consul.

Since writing the above, I have received a letter from a Mr. Thomas Kingsly Jones, a British subject from Rankin county, Mississippi, who, according to his own statement, has been most harshly dealt with, assualted and one eye injured, and imprisoned as a malefactor at Jackson, in a bitterly cold prison, for resisting the conscription. Mr. Jones holds a certificate of British nationality, and he has already rendered military service here, and has been honorably discharged, whose soldier's discharge is on file at my office.

(B.)

DEPARTMENT OF STATE,
Richmond, February 20, 1863.

GEORGE MOORE, *H. B. M. Consul, Richmond, Va.:*

SIR: Your letter of the 16th inst., in relation to certain enactments and military orders in the State of Mississippi, has been received. In that letter you also make reference to the complaint of a British subject, alleging ill-treatment

at the hands of officers enforcing the conscript law in Mississippi.

Before replying to the subject-matter of your letter, it is deemed necessary to inquire into the extent of the authority vested in you by Her Majesty's commission as her Consul in Richmond. The *exequatur* granted on that commission by the government of the United States was conferred at a date when that government had the right to act on such matters as the agent of the States that have since formed the Confederacy, and the *exequatur* has, therefore, not been questioned. It was supposed to have reference solely to consular functions in Richmond, or at furthest in the State of Virginia.

As your letter, however, initiates a diplomatic correspondence with this department on the subject of the laws and regulations of the State of Mississippi, it becomes necessary to request that your consular commission, as well as any other authority you may have received to act in behalf of the government of Her Britannic Majesty be officially submitted to this department, in order that the precise nature and extent of your functions may be ascertained, before further correspondence can be held with you as Her Majesty's Consul at the port of Richmond.

I am, very respectfully, &c.,

J. P. BENJAMIN,
Secretary of State.

(C.)

Letters patent revoking exequatur of George Moore, Her Britannic Majesty's Consul at Richmond.

JEFFERSON DAVIS,

President of the Confederate States of America,

TO ALL WHOM IT MAY CONCERN:

WHEREAS, George Moore, Esq., Her Britannic Majesty's Consul for the port of Richmond and State of Virginia, (duly recognized as such by exequatur issued by a former government, which, was, at the time of the issue, the duly

authorized agent for that purpose of the State of Virginia,) did recently assume to act as consul for a place other than the city of Richmond, and a State other than the State of Virginia, and was thereupon, on the 20th day of February last, (1863,) requested by the Secretary of State to submit to the Department of State his consular commission as well as any other authority he may have received to act in behalf of the government of Her Britannic Majesty before further correspondence could be held with him as Her Majesty's Consul at the port of Richmond; *and whereas*, The said George Moore has lately, without acceding to said request, entered into correspondence as Her Majesty's Consul with the Secretary of War of these Confederate States, thereby disregarding the legitimate authority of the government;

These, therefore, are to declare that I do no longer recognize the said George Moore as Her Britannic Majesty's Consul in any part of these Confederate States, nor permit him to exercise or enjoy any of the functions, powers, or privileges allowed to the Consuls of Great Britain. And I do wholly revoke and annul any exequatur heretofore given to the said George Moore by the government which was formerly authorized to grant such exequatur as agent of the State of Virginia, and do declare the said exequatur to be absolutely *null* and *void* from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Confederate States of America to be hereunto affixed.

{ Seal. } Given under my hand this fifth day of June, in the year of our Lord, one thousand eight hundred and sixty-three.

JEFFERSON DAVIS.

By the President:

J. P. Benjamin, *Secretary of State.*

(D.)

Department of State,
Richmond, June 5, 1863.

George Moore, Esq., *H. B. M. Consul, Richmond, Va.:*

Sir: The President of the Confederate States has been informed that in consequence of your assuming to act in

behalf of the government of Her Britannic Majesty on matters occurring in the State of Mississippi, you were requested to submit to this department your consular commission, as well as any other authority held by you to act in behalf of Her Majesty's government, before further correspondence could be held with you as British Consul for the port of Richmond. He has further been informed that you have not acceded to this request, and that, in disregard of the legitimate authority of the government, you have again lately corresponded, as Her Majesty's Consul for this port, with the Secretary of War of the Confederate States. The President considers it as inconsistent with the respect which it is his office to enforce towards the government, that you should any longer be permitted to exercise the functions, or enjoy the privileges of a consul in these Confederate States. He has consequently thought proper by the letters patent, of which I enclose you a copy, to revoke the exequatur heretofore granted to you, and to make public these letters patent.

I have the honor to be, &c.,

J. P. BENJAMIN,
Secretary of State.

(E.)

HEADQUARTERS 26TH VIRGINIA BATTALION,
Handley's Hill, May 25, 1863.

Captain R. H. CATLETT,

Adjutant General, 1st Brigade, A. W. Va.:

CAPTAIN: The communication from the Secretary of War, asking information respecting the conscription of Nicolas Malony and Eugene Farrell, has been received; and in reply, I submit the following: Nicolas Malony is a native of Ireland. He does not know exactly how long since he came from Ireland to this country. He has been a resident of Greenbrier county, Virginia, for eight years. He bought land in said county, and after the several payments were made, he received the deed for the land, and that deed was recorded in the Clerk's office of Greenbrier county three

years ago. From the time of purchase till he was conscribed, he resided upon, and cultivated the land. His family still resides upon it. He has also exercised the right of suffrage. He was assigned (as a conscript) to this battalion in December, 1862.

Eugene Farrell is a native of Ireland. Does not know the exact time when he came to this country. He bought land in Fayette county, Virginia, and after the payments were made, he received the deed for the land. That deed was recorded in the Clerk's office of Fayette county; he afterwards exchanged his land in Fayette for land in Greenbrier. He afterwards sold one half of his land in Greenbrier to his brother, and his family still resides upon the half reserved. He has been a resident of Virginia for eight years, and has exercised the right of suffrage. He was assigned to this battalion, as a conscript, in December, 1862. From time of purchase to time of conscription, he resided upon and cultivated his land.

Very respectfully,
Your obedient servant,
GEORGE M. EDGAR,
Lieutenant Colonel Commanding.

(F.)

RICHMOND, VA., May 5, 1863.

MY DEAR SIR: I have just received your letter of 30th April, and I have at once addressed a letter to the Secretary of War on the subject of Malony and Farrell, of which I transcribe a copy herewith.

I am really at a loss to account for the dilatory proceedings of the War Department, not to make use of any harsher term; however, I cannot help saying to you, unofficially, that the apparent apathy and indifference with which the War Department seems to regard cases of the most atrocious cruelty, quite baffle all my preconceived opinions of my own kindred race.

I have lived thirty-two consecutive years (from 1826 to 1858) in despotic countries, and I am compelled to bear witness that I have met in those foreign countries more offi-

cial courtesy and consideration from the local authorities, on my representation of grievances, than I meet at the hands of my own blood and lineage.

These reports, which I am obliged to send home, do not tend to the consummation which, perhaps, some of us desire.

I will say no more, for it grieves me to write this.

Believe me to be, my dear sir,

Yours very truly,

(Signed,) GEORGE MOORE.

J. B. CALDWELL, ESQ., *White Sulphur Springs, Greenbrier county, Virginia.*

(No. 25.)

Mr. Benjamin to Mr. Mason.

DEPARTMENT OF STATE,
Richmond, June 11, 1863.

SIR: Since my No. 24, of 6th instant, further information has reached the Department, illustrating most forcibly the necessity for the action taken by the President on the subject of Her Britannic Majesty's Consuls, resident within the Confederacy, as explained in that dispatch.

On the 18th May, Mr. Cridland, who had occasionally acted as Consul in Richmond during temporary absences of Consul Moore, sought an interview at the Department, and, on being admitted, called my attention to an article in the Richmond *Whig* of that date, which announced that Mr. Cridland was about to depart for Mobile with the commission of Consul, and that he was accredited to Mr. Lincoln, not to this Government. Mr. Cridland assured me that the statement was erroneous, that he was going to Mobile as a private individual, unofficially, to look after certain interests of the British Government that had been left unprotected by the withdrawal of Consul Magee. He further stated as he was going there unofficially he had not conceived that there was any impropriety in doing so without communicating his intention to the Department, and hoped that such was my own view of the matter. I informed him that all neutral residents were at liberty to travel within the Confederacy

and to transact their business without other restrictions than such as the military authorities found it necessary to impose for the public safety, and that this Department saw no reason to interpose any objection to his going to Mobile to transact business unofficially. He then said that he had called at the office of the *Whig* to make a similar explanation to the editor of that paper, with a view to the correction of the erroneous impression created by its article, and accordingly on the next day an article appeared in that journal announcing that it had received the assurance from Mr. Cridland that he was going to Mobile "to look after British interests in that quarter in an unofficial way," and that he was "without commission from the Queen or exequatur from Washington."

I was, therefore, quite surprised at receiving from the Secretary of the Navy official communication of a telegram received by him from Admiral Buchanan, informing the Secretary that Mr. Cridland had been officially introduced to him by the French Consul as Acting English Consul at Mobile, and had shown the Admiral "an official document signed by Lord Lyons, appointing him Acting English Consul at Mobile." I append copies of this telegram, and of the two articles above referred to, extracted from the Richmond *Whig*.

These, however, are not the only exceptionable features which mark this affair. Other circumstances, to which your attention is invited, have been brought to the notice of the Department by official communications from the Governor of Alabama.

On the 11th November last, the Bank of Mobile, as agent for the State of Alabama, addressed a communication to Consul Magee, at Mobile, informing him that that State would owe, during the ensuing year, to British subjects, interest-coupons on the State bonds to the amount of some forty thousand pounds sterling; that this interest was payable in London at the Union Bank and at the counting house of the Messrs. Rothschilds, and requesting to know whether the Bank would be allowed to place in the hands of the Consul, in coin, the sum necessary for transmission to England, at the expense of the State, for the purpose mentioned.

On the 14th November, Consul Magee replied that he had sent to Her Britannic Majesty's Consul, at New Orleans, to ask if Her Majesty's steamship Rinaldo could not be sent

to Mobile, to receive the specie and take it to Havana, to be forwarded thence by the Consul General of Great Britain to London.

The specie was not conveyed by the Rinaldo, but by Her Majesty's ship, "Vesuvius," and was accompanied by a certificate of the President of the Bank stating that the remittance of the "thirty-one kegs of specie containing each five thousand dollars, together $155,000, * * * * is for the purpose of paying dues to British subjects from the State of Alabama, and is the property and belongs to the subjects of Her Britannic Majesty."

The shipment was accompanied by a letter addressed by the Bank, as agent of the State of Alabama, to W. W. Scrimgeour, Esq., Manager of the Union Bank of London, directing its appropriation to the payment of the interest due to British and other foreign holders of the State bonds, with the statement of the dates at which the several instalments of the interest would become due and of the places in London where they were to be paid.

So little doubt seems to have been entertained of the propriety of this transaction by all that were engaged in it, that the Commander of the "Vesuvius" informed the Commander of the United States blockading squadron that the British Consul had money to send by him, and no objection nor protest was made. Among the papers annexed you will find the account given by Commodore Hitchcock himself of his conversation with the Commander of the "Vesuvius," written after the dismissal of Consul Magee, and, therefore, at a period when the Commodore could certainly have no motive for giving a coloring to his narrative, adverse to what was then known to be the view of his Government on the subject.

Under these circumstances, the "Vesuvius" received and conveyed the specie which has since been received in England, and, as stated in the public journals, paid in whole or in part to British subjects, thus establishing the *bona fides* of the conduct of all the parties to the transaction.

It now appears that no sooner was the intention of making this remittance communicated to Her Britannic Majesty's Minister, at Washington, than he took active measures to prevent it, by sending dispatches to Mobile forbidding the shipment. They, however, failed to arrive before the departure of the "Vesuvius" with the specie, whereupon Consul Magee was dismissed from office for

receiving and forwarding it; and the vacancy thus created in the office of British Consul, at Mobile, was filled by Lord Lyons by the issue of a commission to Mr. Cridland, and his departure for Mobile under the circumstances already explained.

These facts are of a character so grave as to have attracted the earnest attention of the President, and it is my duty to apprise you of the conclusions at which he has arrived, in order that you may lose no time in laying them before her Majesty's Government, in the hope that a renewed examination of the subject, and a knowledge of the serious complications which the present anomalous relations between the two Governments may involve, will induce the British Cabinet to review its whole policy connected with those relations, and to place them on the sole footing consistent with accomplished facts, that are too notorious and too firmly established to be much longer ignored.

By the principles of the modern public code, debts due by a State are not subject to the operations of the laws of war, and are considered so sacred as to be beyond the reach of confiscation. An attempt at such confiscation would be reprobated by mankind. The United States alone in modern times have courted such reprobation, and just detestation has been universally expressed of their confiscation laws passed during the pending war. The Government of Great Britain, on the contrary, has at all times manifested its abhorrence of such breaches of public faith, and in the Crimean war gave to the world a memorable example of its own high regard for public honor by paying over to its enemy money which it well knew would be immediately employed in waging hostilities against itself. The States of this Confederacy are emulous of examples of honor, and they accordingly refrained, on the breaking out of hostilities, from even the temporary sequestration of the dividends of their public debt due to their enemies. It was not until they had received notice of the confiscation law passed by the United States on the 6th August, 1861, that they consented to the temporary sequestration of the property of their enemies, and even then the sequestration was declared to be for the sole purpose of securing a fund to indemnify the sufferers under the confiscation law of the United States.

The following clause of our law, exempting public debts from its operation, is extracted as a proof of the sacred regard for public faith manifested by these States under

strong temptation to retaliate and under all the exasperation of the savage warfare then actually waged against them:

"*Provided, further*, That the provisions of this act shall not extend to the stocks or public securities of the Confederate Government, or any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation or sum due from the Confederate Government or any of the States to such alien enemy." (*Sequestration law of Confederate States*, passed 30th August, 1861.)

Such being the obligations imposed on States in regard to the payment of public debts towards even their enemies, no deeper reproach can stain their name than the refusal to do justice to neutral creditors. The observance of plighted public faith concerns mankind at large; in it all nations have a common interest; and the belligerent who perverts the weapons of legitimate warfare into an instrumentality for forcing his enemy to dishonor his obligations and incur the reproach of being faithless to his engagements, wages a piratical and not an honorable warfare, and becomes *hostis generis humani*. Public honor is held sacred by international law against the attack of the most malevolent foe, and as susceptible of loss only by the recreancy of its possessor.

What possible lawful interest could the United States have in preventing the remittance of the specie due to the creditors of the State of Alabama? Blockades are allowed by the law of nations as a means of enforcing the submission of an enemy by the destruction of his commerce, the exhaustion of his resources, and consequent forced abandonment of the struggle. The remittance of the specie in the present case, far from retarding these ligitimate objects, tended, on the contrary, to promote them by the diversion of the money from application to military purposes. The United States could not have desired that the specie should remain within the Confederacy save with one of two motives: 1st, to dishonor the State of Alabama by giving color to the reproach that it was regardless of public faith, and on this comment has already been made; or, secondly, in the hope that by the fortunes of war the money would come within the reach of spoliation under its confiscation law. It is scarcely necessary to observe that the desire to enrich itself, by plunder, at the expense of neutral creditors, is as little consonant with respect for public law and the rights of neutrals, as the purpose forcibly to prevent the State of Alamaba from redeeming its plighted faith.

Whatever may be the value to which these views may be

justly entitled, it is certain that there are but two aspects in which the State of Alabama can be regarded by Her Majesty's Government. Alabama is either one of the States of the former Union engaged in armed rebellion against the legitimate authority of the United States, or is an independent State, and a member of this Confederacy, engaged in lawful war against the United States. An examination of the effect of either of these relations upon the facts connected with the dismissal of Consul Magee and the appointment of Mr. Cridland, will now be presented in vindication of the action which the President deems it his duty to take on this subject.

1. If the British Government think proper to assume (although the contrary is deemed by this Government to be fully established by convincing reason and victorious arms,) that the State of Alabama is still one of the United States, then the Government of the United States is bound towards Great Britain, as well as to all other neutral nations, to render all legitimate aid in the collection of their just claims against that State. Although by the Constitution of the United States its Government may be without power to enforce the payment of a debt due to foreign subjects or powers by an unwilling State, none can doubt its duty to interpose no obstruction to the payment of such debt; and no more legitimate ground of complaint could be afforded to Great Britain against the Government of the United States, than an opposition made by that Government to the payment of a just debt due by Alabama to the subjects of Great Britain. In this aspect of the case, therefore, the British officials at Mobile were doing a duty which ought to have been equally acceptable both to the United States and Great Britain, when they facilitated the transmission of funds by that State for that purpose to England, where the debt was made payable, and merited applause rather than a manifestation of displeasure.

2. If, on the contrary, the State of Alabama be regarded (as in right, and fact she really is) an independent State engaged in war against the United States, as a foreign enemy, then the President cannot refrain from observing that the action of Her Britannic Majesty's Minister at Washington savored on this occasion rather of unfriendly co-operation with an enemy than of just observance of neutral obligations. For, in this view of the case, a minister accredited to the government of our enemies has not only assumed the

exercise of authority within this Confederacy, without the knowledge or consent of its government, but has done so under circumstances that rather aggravate than palliate the offense of disregarding its sovereign rights. His action further conveys the implication that this Confederacy is subordinate to the United States, and that his credentials, addressed to the Government at Washington, justify his ignoring the existence of this government, and his regarding these States as an appendage of the country to which he is accredited. Nor will Her Majesty's Government fail to perceive that, in no sense can it be considered consonant with the rights of this government, or with neutral obligations, that a public minister should be maintained near the cabinet of our enemies, charged both with the duty of entertaining amicable relations with them, and with the power of controlling the conduct of British officials resident with us.

Nor will the application of the foregoing remarks be at all impaired if Her Majesty's Government, declining to determine the true relation of the State of Alabama to the United States, choose to consider that question as still in abeyance, and to regard that State as simply a belligerent whose ulterior *status* must await the event of the war. In this hypothesis, the objection to delegating authority over British officials residing with us, to a minister charged with the duty of rendering himself acceptable to our enemies is still graver than would exist in the case of hostile nations equally recognized as independent by a neutral power. For in the latter case the parties would have equal ability to vindicate their rights through the usual channels of official intercourse, whereas in the former the belligerent which enjoys exclusively this advantage is armed by the neutral with additional power to inflict injury on his enemy.

The President has, in the facts already recited, seen renewed reasons for adhering to his determination, mentioned in my preceding dispatch, of prohibiting any direct communication between consuls or consular agents, residing within the Confederacy, and the functionaries of their governments residing amongst our enemies. He further indulges the hope, (which Her Majesty's Government cannot but regard as reasonable, and which he is, therefore, confident will be justified by its action,) that Her Majesty's Government will choose some other mode of transmitting its orders and exercising its authority over its agents within the Confederacy, than by delegating to functionaries who reside among our

enemies, the power to give orders or instructions to those who reside among us.

Finally, and in order to prevent any further misunderstanding in Mr Cridland's case, that gentleman has been informed that he cannot be permitted to exercise consular functions at Mobile, and it has been intimated to him that his choice of some other State than Alabama for his residence would be agreeable to this government. This intimation has been given in order to avoid any difficulty which might result from the doubtful position of Mr. Cridland, who is looked on here as a private individual, and who in Alabama represents himself as "Acting English Consul."

The President is confident that Her Majesty's Government will render full justice to the motives by which these measures are prompted, and will perceive in them a manifestation of the earnest desire entertained by him to prevent the possibility of any unfortunate complications having a tendency to impair the amity which it is equally the interest and the desire of this government to cherish with that of Great Britain.

The President wishes a copy of this dispatch to be placed by you in the hands of Earl Russel.

I am, &c.,

J. P. BENJAMIN,
Secretary of State.

Hon. JAS. M. MASON, *&c., &c., London.*

(A.)

Extract from the Richmond Whig of 18th May.

FOREIGN CONSULS.

Mr. Cridland, for some years past H. B. M.'s Vice-Consul at Richmond, is about to leave this city for Mobile, having in his pocket the commission of full Consul. So runs a common report, which has not yet been denied.

Mr. C.'s promotion will give great pleasure to his numerous friends in this city, where he is sincerely respected and

warmly esteemed. But he is accredited to Mr. Lincoln, not to Mr. Davis, and his credentials bear recent date. This intelligence, so long as it remains uncontradicted, will not give pleasure to any one in the South. To be sure, we know that we have no national existence outside of our own fond imaginations, and that in the eyes of Great Britain we are still part and parcel of the United States, and destined, for all she cares, so to remain forever. We know, further, that sundry private citizens of the South, nicknamed ministers, are cooling their heels to no earthly purpose in the ante-chambers of St. James and the Tuileries; and this useless refrigeration of the *ossa calcis* of Messrs. Mason and Slidell has been going on for above a year. Nor are we ignorant that some remote intimations of these things have reached "the so-called Confederate Government" without exciting the least stir or movement on the part of the "so-called."

Knowing all this, our duty as good citizens and believers in that sound political dogma, "the government is in the possession of facts," is to imitate the "so-called," and make no motion or stir. Accordingly we make none.

Nevertheless, the creation, at this late day, of a Lincolnite Consul at Mobile, by the English Secretary of Foreign Affairs, and the acceptance of such a commission by that Consul, may well excuse, if it does not excite a tendency on the part of the Southern people to take the liberty of making a remark. There is a certain newness about the thing, which might, under other circumstances, occasion surprise, and so to speak, a rawness in the matter, that might, in ordinary times produce a sensation bordering on the disagreeable. But these contingencies are remote. We are quite sure that there is not a man in the Confederacy who feels the slightest inclination to make any remark until the war is over, and the public, as well as "the so-called Confederate Government," is in possession of those awful facts on which the unofficial mind would be justified in basing an opinion, and in the absence of which, the private citizen is dutifully and reverently dumb.

So far as Mr. Cridland is concerned, the statements made above may be unfounded. We shall be glad to hear it if gladness be compatible with good citizenship and the facts possessed by the "so-called." It is possible, though not probable, that there are no British Consuls accredited to the United States in this Confederacy or elsewhere. If such be

the fact, we may venture to be agreeably surprised, so soon as the war terminates, and the mysterious possessions of the "so-called" are generally distributed. Pending the war, however, we shall esteem it a great privilege to be permitted by the "so-called" to be as indifferent to the dignity and honor of the country as we are ignorant of the appalling facts in possession of the aforesaid "so-called."

(B.)

Extract from the Richmond Whig of 19th May.

MR. CRIDLAND.

We desire to correct the report mentioned by us yesterday, in connection with this gentleman, so far as to state that he goes to Mobile without commission from the Queen or exequatur from Washington, but simply at the request or order of Lord Lyons, to look after British interests in that quarter, in an unofficial way. Of this, we are assured by Mr. C. himself, who leaves the city this morning. In the capacity in which he goes, he will, we are sure, receive from the hospitable and polished people of Mobile the consideration and courtesy to which he is entitled.

(C.)

TELEGRAM.

MOBILE, June 4, 1862.

Hon. S. R. MALLORY, *Secretary of Navy:*

The French Consul, Mr. Portz, in his official capacity as acting English Consul, introduced me to Mr. Cridland,

who has shown me an official document, signed by Lyons, appointing him the acting English Consul at Mobile. Am I to recognize him as such?

FRANK BUCHANAN,
Admiral, &c.

(D.)

Charles Walsh, President, to Mr. James Magee.

BANK OF MOBILE.
Mobile, November 11, 1862

DEAR SIR: The State of Alabama is very anxious to insure to its creditors their dues to the utmost fraction, notwithstanding the obstacles now thrown in the way by the United States Government to prevent creditors [debtors] in the Confederate States from meeting their obligations.

This State will owe the coming year, in payment of its interest-coupons on bonds due British subjects, some forty thousand pounds sterling, which coupons are payable at the Union Bank, and at the counting house of the Messrs. Rothschilds, in London. The State is not only anxious, but determined, if possible, to continue to protect its credit, and promptly meet its obligations as heretofore; also to fulfil, strictly, its promises to its foreign creditors, both in regard to the payment of its dues, as well as to its promised places of payment. With this view, will you allow me to invoke your kind aid in behalf of the State and this Bank, which has acted as the fiscal agent of the State for many years past in the payment of its foreign interest, to fulfil its obligations, which is of the utmost importance in every point of view, both to the State of Alabama and to its foreign creditors. I have now to ask the favor of your ascertaining from the British Minister at Washington, (or through any other channel,) if this Bank can be allowed to place in your hands, the sum necessary, in coin, for transmission to England by the first favorable opportunity, at the expense of the State, for the purpose mentioned.

I must ask you kindly to give me as early a reply to this communication as your convenience will permit.

I am, very respectfully,
Your obedient servant,
CHARLES WALSH,
President.

(E.)

MOBILE, November 14, 1862.

CHARLES WALSH, ESQ., *President, &c.:*

SIR: Your favor of the 11th, current, duly received, and, referring to its contents, I beg leave to inform you, that I sent yesterday, by an opportunity, to New Orleans, a dispatch to H B. M. Consul there, stating the gist of your desire, and asked if H. M. S. "Rinaldo," Captain Hewitt, now at New Orleans, could not be sent to this place, in order to receive from you the specie, take it hence to Havana, and allow the Consul General of Great Britain to forward it per steamer to London.

If I fail here, I will invoke the aid of Lord Lyons at Washington.

I am, &c.,
JAMES MAGEE,
Acting British Consul.

(F.)

Mr. Walsh to Mr. Magee, Acting Consul.

DEAR SIR: I do hereby certify that the thirty-one kegs of specie, marked B. M., containing each five thousand dollars, together $155,000, handed over to you by this institution, for the purpose of having the same delivered to H. Bell, Consul General at Havana, and to be transmitted thence

to England, to the consignment of the Union Bank of London, by the British mail steamer, is for the purpose of paying dues to British subjects from the State of Alabama, and is the property, and belongs to the subjects of Her Britannic Majesty.

Very respectfully,
Your obedient servant,
CHARLES WALSH,
President.

(G.)

MOBILE, January 3, 1863.

W. W. SCRIMGEOUR, *Manager Union Bank of London:*

DEAR SIR: This institution deposited in the French Consul's hands, for safe-keeping, in May last, thirty-one kegs of specie, containing each five thousand Mexican dollars, together $ 155,000, appropriated by the State of Alabama to pay the British and other foreign holders of State bonds, the interest due on sums as follows:

1863.			
June 1st,	£9,380 17 7	Payable at Union Bank.	
July 1st,	3,215 11 9	"	" "
July 1st,	465 17 3	"	at Messrs. Rothschilds.
1864.			
January 1st,	3,215 11 9	"	at Union Bank.
January 1st,	465 17 3	"	at Messrs. Rothschilds.
June 1st,	9,380 17 7	"	at Union Bank.
July 1st,	3,215 11 9	"	" "
July 1st,	465 17 3	"	at Messrs. Rothschilds.
	£29,806 2 2		

The arrival of H. B. M. ship "Vesuvius," Lieutenant Crooke, affords the opportunity of sending this forward; and the said specie has been turned over to H. B. M. acting Consul here, James Magee, Esq., who has shipped it by said vessel to James G. Crawford, Esq., H. B. M. Consul Gene-

ral at Havana, and who is requested to ship the same by the British mail steamer to your consignment, for the purpose of paying it over to the parties holding the said interest-coupons, under such arrangements as have heretofore existed with you by this Bank.

The charges for freight from this port, and all expenses belonging thereto, you will please pay to the debit of this Bank.

I remain, very respectfully,
Your obedient servant,
CHARLES WALSH,
President.

B. M. 31 kegs specie, $5,000 each, together $155,000.

(H.)

U. S. STEAMER SUSQUEHANNA,
Pensacola Bay, April 8, 1863.

JAMES MAGEE, ESQ., *Late Acting British Consul, Mobile, Ala.:*

SIR: Your communication of the 4th instant, has this moment been received by flag of truce.

In relation to your connection with the transaction of shipping specie from Mobile, I know very little. The commander of the "Vesuvius" told me he came to transact government business with the British Consul, and that he believed he (the Consul) had some money to send by him. To which, I replied: "We cannot examine an English man-of-war. We trust all you do will be right and proper. You could go up to the city, if you wished, where we do not go." Further than this, I have no knowledge.

Very respectfully,
Your obedient servant,
N. B. HITCHCOCK,
Commander, Commanding Div. U. S. B. Squadron.

(I.)

Circular to Foreign Consuls.

DEPARTMENT OF STATE,
Richmond. June 10, 1863.

SIR: It becomes my duty to inform you that the President has determined to permit no direct communication

between consuls or consular agents of foreign countries residing within the Confederacy, and the functionaries of such foreign governments residing in the enemy's line. The passage in future of consular couriers, messengers, or of consuls or consular agents themselves, through the Confederate lines to the enemy is accordingly prohibited, and foreign officials will be allowed to communicate with their governments only directly or through neutral countries.

With great respect, &c.,

J. P. BENJAMIN,
Secretary of State.

Mr. Mason to Earl Russell.

24 UPPER SEYMOUR STREET,
Portman Square, July 24, 1863.

The Right Honorable EARL RUSSELL, *&c., &c., &c.:*

MY LORD: I have the honor to transmit to your lordship, herewith, a copy of the despatch of the Secretary of State the Confederate States of America to me, dated the 11th of June, ultimo, with copies of the documents accompanying it. The instructions of the Secretary to me being confined to the duty of furnishing this copy to your lordship, I refrain from any further act than to say, should it be the desire of the Government of Her Majesty to express any views on the matter contained therein, I will be happy in being the medium of communicating them to the Secretary of State, at Richmond.

I have the honor to be, &c.,

(Signed,) J. M. MASON,
Special Commissioner, &c.

Mr. Mason to Earl Russell.

24 UPPER SEYMOUR STREET,
Portman Square July 29, 1863.

The Right Honorable EARL RUSSELL, *&c., &c., &c.:*

MY LORD: As promised in my letter of the 21st of July, instant, I have now the honor to communicate, herewith, to your lordship, a copy of the dispatch of the 6th of June,

ultimo, from the Secretary of State of the Confederate States to me, with copies of the documents accompanying it. They relate to the matter of the dismissal of Mr. Moore, late British Consul, at Richmond.

I have the honor to be,

Your lordship's very obd't serv't.

(Signed,) J. M. MASON,

Special Commissioner, &c.

Earl Russell to Mr. Mason.

FOREIGN OFFICE, August 19, 1863.

J. M. MASON, Esq., *&c., &c.:*

SIR: In reply to your letters of the 24th and 29th ultimo, I have to state to you that Mr. Acting-Consul Magee failed in his duty to Her Majesty, by taking advantage of the presence of a ship-of-war of her Majesty at Mobile, to transmit specie to England. This transaction had the character, in the eyes of Her Majesty's Government, of aiding one of the belligerents against the other.

Laying aside, however, this question of the conduct of Mr. Acting-Consul Magee, of which Her Majesty is the sole judge, I am willing to acknowledge that the so-styled Confederate States are not bound to recognize an authority derived from Lord Lyons, Her Majesty's Minister at Washington.

But it is very desirable that persons authorized by Her Majesty should have the means of representing, at Richmond and elsewhere in the Confederate States, the interests of British subjects, who may be, in the course of the war, grievously wronged by the acts of subordinate officers. This has been done in other similar cases of States not recognized by Her Majesty, and it would be in conformity with the amity professed by the so-styled Confederate States towards Her Majesty and the British nation, if arrangements could be made for correspondence between agents appointed by Her Majesty's Government, to reside in the Confederate States, and the authorities of such States.

I have the honor to be, sir, your most obedient, humble servant,

(Signed,) RUSSELL.

Mr. Mason to Earl Russell.

24 Upper Seymour Street,
Portman Square, September 4, 1863.

The Right Honorable Earl Russell,

Her Majesty's Secretary of State for Foreign Affairs:

My Lord: I have had the honor to receive your lordship's letter of the 19th August, ultimo, in reply to mine of the 24th and 29th July, ultimo. I shall transmit a copy of your lordship's letter to the Secretary of State at Richmond.

These dispatches of Mr. Benjamin, full copies of which I have, by his direction, furnished your lordship, certainly evince no disinclination to permit any persons accredited by Her Majesty's Government as its consular or other agents to reside within the Confederate States, and as such to be in communication with the government there. They explain only (and certainly in terms of amity,) how it has resulted that the Government of the Confederate States has felt itself constrained to prohibit, in future, any direct communication between such agents and Her Majesty's Minister resident at Washington, a prohibition, which I understand from these dispatches, is equally extended to all like agents of foreign powers and their Ministers at Washington. All communications to or from such agents are, in future, to be made through vessels arriving from or dispatched to neutral ports.

That it should have become necessary to impose this restriction is, I am sure, a matter of regret to the President of the Confederate States; but the circumstances which have called it forth are under the control of foreign governments, and not under the control of the President.

In regard to the suggestion in your lordship's letter, that it would be "very desirable that persons authorized by Her Majesty should have the means of representing at Richmond, and elsewhere in the Confederate States, the interests of 'British subjects,' which, as your Lordship states, 'has been done in other similar cases of States not recognized by Her Majesty,' under arrangements for correspondence between agents appointed by Her Majesty's Government to reside in the Confederate States, and the authorities in such States, I can only say, that if it be your lordship's pleasure

to make this proposition in such form as may be agreeable to Her Majesty's Government, and not at variance with the views expressed in the dispatch of Mr. Benjamin, I do not doubt it would receive the favorable consideration of the government at Richmond; and I should be happy in being the medium to communicate it.

I have the honor to be your lordship's very obedient servant,

(Signed,) J. M. MASON,
Special Commissioner, &c.

(No. 25.)

Mr. Benjamin to Mr. Slidell.

DEPARTMENT OF STATE,
Richmond, Oct. 8, 1863.

SIR: The conduct of the British Consular Agents in the Confederacy has compelled the President to take the decisive step of expelling them from our country, and it is deemed proper to put you in possession of the causes which have produced this result, that you may have it in your power to correct any misrepresentations on the subject. To this end, it is necessary to review the whole course of the British Government, and that of the Confederacy, in relation to these officials.

When the Confederacy was first formed, there were in our ports a number of British Consuls and Consular Agents, who had been recognized as such, not only by the Government of the United States, which was then the authorized agent of the several States for that purpose, but by the State authorities themselves. Under the law of nations, these officials are not entitled to exercise political or diplomatic functions, nor are they ever accredited to the sovereigns within whose dominions they reside. Their only warrant of authority is the commission of their own government; but usage requires that those who have the full grade of Consul should not exercise their functions within the territory of

any sovereign before receiving his permission in the form of an *exequatur*; while consular agents of inferior grade simply notify the local authorities of their intention to act in that capacity. It has not been customary, upon any change of government, to interfere with these commercial officials, already established in the discharge of their duties, and it is their recognized obligation to treat all governments which may be established, *de facto*, over the ports where they reside, as governments *de jure*. The British Consular officials gave no cause of complaint on this score, and the President interposed no objection to the continued exercise of their functions. On other grounds, however, various causes of complaint subsequently arose, and, in the case of Consul Moore, it was found necessary to revoke his *exequatur*, for his disregard of the legitimate request of this department that he should abstain from further action as consul until he had submitted his commission for inspection, and because of his offensive remarks touching the conduct of the Confederate authorities in relation to two enlisted soldiers, as fully explained in a published dispatch of this government. Attention was also called in that dispatch (which was communicated to the British Cabinet,) to the objectionable conduct of British functionaries in the enemy's country, who assumed authority within the limits of the Confederacy, thereby implying that these States were still members of the Union to which those functionaries were accredited, and ignoring the existence of this government within the territory over which it was exercising unquestioned sway. Notwithstanding the grave character of this complaint, the President confined himself to reprehending this conduct, and to informing the British Government that he had forbidden, for the future, any direct communication between British Consuls here and British officials in the United States. And here it may not be improper to observe that although this dispatch was published at the time of its date, and was communicated to the Foreign office in London, Her Majesty's Ministers made the strange mistake of asserting in the House of Commons that Mr. Moore's dismissal was connected, in some way, with alleged cruelties committed on one Belshaw, of whose existence the department was ignorant till the publication of the debate, and concerning whom no representation exists on its files.

Soon after that dispatch was forwarded, the President was apprised by the Governor of Alabama that Her Majesty's

Government had visited with severe displeasure and had removed from office the British Consular Agent at Mobile, because he had received and forwarded from Mobile, on an English man-of-war, money due by the State of Alabama to British subjects for interest on the public debt of the State; and that the British Minister at Washington, after failing in active efforts to prevent the remittance of this money had assumed the power of appointing a consular agent within the Confederacy to replace the officer at Mobile, who had incurred censure and punishment for the discharge of a plain duty to British subjects, which happened to be distasteful to the United States. A copy of the dispatch on this subject communicated to the British Government is enclosed, and you will perceive that the action of the President was marked by extreme forbearance, and that he confined himself to refusing permission that Mr. Cridland should act under Lord Lyons' instructions, and to expressing the confident hope that Her Majesty's Government would, in the future, choose some other mode of transmitting its orders and exercising its authority over its agents within the Confederacy, than by delegating to functionaries, who reside among our enemies, the power to give orders or instructions to those who reside among us.

In his answer to this dispatch, (of which a copy is also enclosed,) Earl Russell, while acknowledging the justice of our remonstrance against the assumption of authority by Lord Lyons, defends the action of the British Government in the matter of the Mobile Consulate by maintaining that the transmission of the specie by Consul Magee, under the circumstances above explained, "had the character, in the eyes of Her Majesty's Government, of aiding one of the belligerents against the other." This statement clearly assumes that the transmission of specie from one of these States to Great Britain in payment of a public debt to British subjects is an act of hostility against the United States, which British officials cannot promote with due regard to neutral obligations, because it "aids one of the belligerents *against* the other." No reason is given for this conclusion, which appears to us at variance with all received notions of international law. The States of the Confederacy have under the most adverse circumstances made great efforts and sacrifices to effect punctual payment of their debt to neutrals, and these efforts do not seem to us to be properly characterized as being belligerent acts against our enemies. We

can but regret that Her Majesty's Government have determined so to regard them, and to discourage the discharge of a duty in which British subjects are so deeply interested.

Within the last few days the President has been informed by communications addressed to the State and Confederate authorities by two out of the three British Consular Agents remaining here, that they had received instructions from their government to pursue a course of conduct in regard to persons of British origin now resident within the Confederacy, which it has been impossible to tolerate. It seems scarcely probable that the instructions of Earl Russell have been properly understood by his agents, but we have no means of communicating with the British Government for the correction of misunderstandings. You are aware that Great Britain has no diplomatic agent accredited to us, and that Earl Russell having declined a personal interview with Mr. Mason, the latter, after some time spent in an unsatisfactory interchange of written communications, has been relieved of a mission which had been rendered painful to himself, and was productive of no benefit to his country. The President was, therefore, compelled to take the remedy into his own hands.

A brief statement will suffice for your full comprehension of the matter. In April, 1862, Congress passed a law directing a draft for the army of "all white men who are residents of the Confederate States, between the ages of eighteen and forty-five years, and not legally exempted from military service." The draft was made, as stated in the law, in view of the absolute necessity "of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil;" in other words, all residents capable of bearing arms were called on to protect their own homes from invasion, their own property from plunder, their own families from cruel outrage. You will observe, that the call was not made until after a year of war, during which it had been entirely within the power of all foreigners to depart from a country threatened with invasion, if they preferred not to share the common lot of its inhabitants.

Upon the promulgation of this law objection was made by several foreign consuls to its application to the subjects of their sovereigns, and the President directed that its provisions should not be so construed as to impose forced military service on mere sojourners, or temporary residents, but only on such as had become citizens of the Confederacy *de jure*,

or had rendered themselves liable, under the law of nations, to be considered as citizens *de facto* by having established themselves as permanent residents within the Confederacy, without the intention of returning to their native country.

To this very liberal interpretation of the law in favor of foreign residents, it was not supposed that objection could be taken, but on the 12th November, 1862, Consul Bunch, at Charleston, wrote to the department as follows:

"I have now received the instructions of Earl Russel to signify to you the views of Her Majesty's Government on this subject.

"I am desired to lose no time in remonstrating strongly against the forcible enlistment of British subjects, and to say that such subjects domiciled only by residence in the so-called Confederate States cannot be forcibly enlisted in the military service of those States by virtue of an *ex post facto* law, when no municipal law existed at the time of their domicil rendering them liable to such service.

"It may be competent for a State in which a domiciled foreigner may reside to pass such an *ex post facto* law, if at the same time an option is offered to foreigners affected by it to quit, after a reasonable period, the Territory, if they object to serve in the armies of the State; but without this option such a law would violate the principles of international law, and even *with* such an option, the comity heretofore observed between independent States would not be very scrupulously observed.

"The plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of the Federal Union should be suddenly and without warning compelled by the State to take an active part in hostilities against other States, which, when he became domiciled, were members of one and the same Confederacy; which States, moreover, have threatened to treat as rebels, and not as prisoners of war, all who may fall into their hands.

"To these considerations must be added the fact that the persons who have been the victims of this forced enlistment are forbidden under severe penalties by the Queen's proclamation, to take any part in the civil war now raging in America, and that thus they are made not only to enter a military service contrary to their own wishes, and in violation of the tacit compact under which they took up their original domicil, but also to disobey the order of their legitimate sovereign.

"I am directed by Earl Russell, to urge these several considerations upon you, and to add that Her Majesty's Government confidently hope and expect that no further occasion for remonstrance will arise on this point."

No reply was deemed necessary to this dispatch, (nor to a similar one from Consul Moore dated on the 14th November,) notwithstanding the very questionable assumptions, both of law and fact, contained in it, because there seemed to be no substantial point at issue between the two governments, and discussion could, therefore, serve no useful purpose. Earl Russell was not understood to insist on anything more than that British subjects, resident within the Confederacy, should be allowed a reasonable time to exercise the option of departing from the country, if unwilling to be enrolled in its service; and, in point of fact, this option had

never been refused them, and many had availed themselves of it. Nor was it believed that Her Majesty's Government expected a very favorable response to their appeal to this government for the exercise of the comity between "independent" States supposed to be involved in this subject, whilst Great Britain was persistently refusing to recognize the independence which alone could justify the appeal.

Since the date of these two letters, numerous requests have been made by British Consular officials for the interposition of this government in behalf of persons, alleged to be British subjects, wrongfully subjected to draft. Relief has always been afforded when warranted by the facts, but it soon became known that these gentlemen regarded their own certificates as conclusive evidence that the persons named in them were exempt from military service, and that these certificates were freely issued on the simple affidavit of the interested parties. Thus, Consul Moore was deceived into claiming exemption for two men who were proven to be citizens of the Confederacy, and to have been land-owners and voters for a series of years prior to the war.

Much inconvenience was occasioned before these abuses could be corrected, but they afterwards assumed a shape which forbade further tolerance. The correspondence of the acting British Consuls at Savannah and Charleston, already referred to, asserts the existence of instructions from their government, under which, instead of advising British subjects to resort to the courts of justice, always open for the redress of grievances, or to apply to this government for protection against any harsh or unjust treatment by its subordinates, they deem it a duty to counsel our enlisted soldiers to judge for themselves of their right to exemption, to refuse obedience to Confederate laws and authority, and even exhort them to open mutiny in face of the enemy.

This unwarrantable assumption by foreign officials of jurisdiction within our territory, this offensive encroachment on the sovereignty of the Confederate States, has been repressed by the President's order for the immediate departure of all British Consular Agents from our country, as you will perceive by a perusal of the enclosed copy of the notice addressed to one of them, Acting Consul Fullarton.

But a few months have elapsed since the utmost indignation was expressed by the British Government against the United States Minister at London, for issuing a safe conduct to be used on the high seas by a merchant vessel; and the

ground of this denunciation was his exercise of direct authority over subject-matter within the exclusive territorial jurisdiction of the Queen. It is difficult, therefore, to conceive on what basis Her Majesty's Government have deemed themselves justified in the much graver encroachment on the sovereignty of these States, which has been attempted under instructions alleged to have emanated from them.

It is not my purpose here to discuss the nature and extent of the claims of the Confederacy on the allegiance of persons of foreign origin residing permanently within its limits, (easy as would be the task of demonstrating the obligation of such residents, under the law of nations, to aid in the defence of their own homes and property against invasion,) because, as already observed, the liberal construction of the law in their favor which has been sanctioned by the President, and the indulgence of the Government in permitting them, for many months, to exercise the option of avoiding service by departing from the country, deprive the discussion of any practical interest. I have been induced to place the whole subject fully in your possession, by reason of a statement made by Consul Fullarton to the Governor of Georgia, that in the event of the failure of his remonstrances to produce the exemption of all British subjects from service, he is instructed to state that "the governments in Europe, interested in this question, will unite in making such representations as will secure to aliens this desired exemption."

The menace here implied would require no answer if it were not made professedly under instructions. It is scarcely necessary to say to you that the action of the President in repelling with decision any attempt by foreign officials to arrogate sovereign rights within our limits, or to interfere of their own authority with the execution of our laws, would not be affected in the slightest degree by representations from any source, however exalted. This is the only point on which the President has had occasion to act and on this point there is no room for discussion.

The exercise of the *Droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the Government of His Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President which has been rendered necessary by the

reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanation to M. Drouyn de L'Huys as will obviate all risk of misapprehension.

I am, sir, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

Hon. JOHN SLIDELL,
Commissioner, &c., &c., Paris, France.

(A.)

Mr. Benjamin to Mr. Fullarton.

DEPARTMENT OF STATE,
Richmond, October 8th, 1863.

SIR: Your letters of the 1st and 3d instants, have been received. You inform this Government that, "under your instructions you have felt it to be your duty to advise British subjects that whilst they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Government, the service so required is such as they cannot be expected to perform."

Your correspondence with the Governor of Georgia leaves do doubt of the meaning intended to be conveyed by this language. In that correspondence you state that "under instructions, you have felt yourself compelled to advise those drafted to acquiesce until called from their homes or to meet the United States forces in actual conflict; but, in that event, to throw down their arms and refuse to render a service directly in the teeth of Her Majesty's proclamation and which would incur the severe penalties denounced in the neutrality act."

In a communication from the acting British Consul, in Charleston, to the military authorities, he also has informed them that, "he has advised the British subjects generally to acquiesce in the State militia organizations, but at the same time he informed them that in the event the militia should be brought into conflict with the forces of the United

States, either before or after being turned over to the Confederate Government, the services required of them would be such as British subjects could not be expected to perform."

It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to courts of justice or to this Government, whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects, (an appeal which has in no case been made without receiving just consideration,) but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

This assumption of jurisdiction by foreign officials within the territory of the Confederacy, and this encroachment on its sovereignty cannot be tolerated for a moment, and the President has had no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions or even to reside within the limits of the Confederacy.

I am directed, therefore, by the President to communicate to you this order, that you promptly depart from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

I am, sir, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

A. FULLARTON, Esq., &c., *Savannah, Ga.*

APPENDIX.

Correspondence between Governor Brown and Consul Fullarton.

BRITISH CONSULATE,
Savannah, July 22, 1863.

To his Excellency Governor BROWN, *Marietta:*

SIR: My attention has been called to your proclamation, and to General Wayne's General Order, No. 16, attached thereto, ordering a draft on the 4th of August, from persons between the ages of sixteen and forty-five years, including British subjects, in each county which does not furnish its quota of volunteers to complete the number of eight thousand men required for home defence.

I am informed that this force, when organized, is to be turned over to the Confederate Government. British subjects, if drafted, will then be forced to become Confederate soldiers, a position which Her Majesty's Government have, since the commencement of the war, contended they ought not to be placed in, and from which Her Majesty's Consuls have been instructed to use every means at their command to preserve them.

Her Majesty's Government acknowledge the right of a foreign State to claim the services of British subjects resident within its limits for the purpose of maintaining internal order, (in other words, to act as a local police force,) and even to a limited extent, to defend against *local invasion by a foreign power* the places of their residence, but they deny the claim to services beyond this, and accordingly I have given advice in the following sense to British subjects who have applied to me on the subject of this draft; that militia duty is in general an obligation incident to foreign residence, and that, therefore, they must not object to render the service required, so long as the law requires a militia organization for the maintenance of internal peace and order. But if it shall so happen that the militia, after being so organized, shall be brought into conflict with the forces of the United States, without being turned over to the Confederate States, so as to form a component part of its armies, or if it should

be so turned over, in either event the service required would be such as British subjects cannot be expected to perform; in the first case, in addition to the ordinary accidents of war, they would be liable to be treated as rebels and traitors, and not as prisoners of war, and in the second case, they would be under the operation of a law requiring them to take up arms against the United States Government, which had no existence when, for commercial purposes, they first took up their residence in this country, and would, moreover, be disobeying the order of their legitimate sovereign which exhorts them to an observance of the strictest neutrality, and subjects them to severe penalties. For all local service, however short of the service I have endeavored to describe, I have advised them that the militia organization is lawful and should be acquiesced in by resident British subjects.

Nearly all British subjects have, besides, taken an oath that they will not, under any circumstances, take part in the contest now raging in this country, by taking up arms on either side.

I hope, sir, you will, therefore, so modify the general order in respect of British subjects who have certificates from me, as to release them from a position, which, in the the event of a draft, will certainly render them liable to all the penalties denounced by their own sovereign against a violation of their neutrality, calling upon them at the same time to render service as a local police for the maintenance of internal peace and order.

On a former occasion, Mr. Molyneux advised you that the consulate was placed under my charge during his absence. I recently submitted my authority to act as Her Majesty's Consul to Mr. Benjamin, who duly accorded to me his approval and recognition.

I am, sir, your most obedient servant,

(Signed,) A. FULLARTON,
Acting Consul.

MARIETTA, August 8, 1863.

Mr. A. FULLARTON, *Acting Consul of Great Britain:*

DEAR SIR: Your letter of 22d July reached these head-quarters during my absence, which has caused delay in my reply.

Judging from your communication, I am obliged to conclude that you have not correctly understood the objects of the government in organizing the eight thousand men for home defence.

You admit the right of the State to claim the services of British subjects resident within its limits, for the purpose of maintaining "internal order," and even to a limited extent, to defend the places of their residence against *local invasion by a foreign power*. In view of this correct admission on your part, I do not deem it necessary to quote authority to show the obligation of Her Majesty's subjects to render the service now called for. To maintain "internal order," and to defend, to a *limited extent*, "against local invasion by a foreign power" are the sole objects of the proposed military organizations.

While the men are to be mustered into service for the purpose of affording them the rights and privileges of prisoners of war, in case of capture by the enemy, and to enable the government to command them without delay in case of sudden emergency, it is not proposed to take them from their homes, or to interrupt their ordinary avocations, unless it be a case of sudden emergency or pressing necessity for the defence of their homes, or such localities as command their homes, when in the hands of the enemy.

The Government of the United States, in violation of the usages of civilized warfare, is now resorting to every means within its power to incite servile insurrection in our midst. It is not only stealing our slaves, which are private property, or taking them by open robbery, mustering them into its service and arming them against us, but it is doing all it can by secret agencies, to stir up and excite the angry passions of the mass of ignorant slaves in the interior whom it can neither reach by theft nor robbery, to cause them to rise in rebellion against their masters, with whom they are now comfortable and happy, and to set fire to our cities, towns, villages, and other property. It is needless for me to add, that in case they should be successful in inciting insurrection to this point, the butchery of helpless women and children would, doubtless, be the result.

As a means of accomplishing this object, as well as of destroying public and private property, the enemy is now preparing to send cavalry raids as far as possible into this and other States of the Confederacy. These robber bands will, no doubt, burn and destroy property where they go, carry off as many

slaves as they can, and attempt to stir up others with whom they come in contact, to insurrection, robbery and murder.

It is not expected that the eight thousand men called for by my proclamation and the general order to which you refer, will be used against the regular armies of the United States. The provisional armies of the Confederate States have shown themselves fully able to meet the enemy upon an hundred battle-fields, and to drive them back with severe chastisement wherever they have not had the advantage of their navy as a support. But it is expected that this home organization, while it may be but little of its time in actual service, will, in case of sudden emergency, assist in repelling the plundering bands of the enemy which evade contact with our armies, and make predatory incursions to our very homes for the purposes already mentioned, and that they will assist in suppressing any servile insurrection which these plundering parties may be able to incite.

Many who claim to be Her Majesty's subjects in this State are large slaveholders, whose danger of loss of property, and of insult and injury to their wives and children, in case of insurrection, is as great as the danger to the citizens of this State, and their obligation to protect their property and their families against the local aggressions of the United States forces is no less.

While Her Majesty's Government has constantly refused to recognize the existence of the Government of the Confederate States, her subjects have enjoyed its protection. And while she refuses to hold any diplomatic relations with us, you, as her representative, are *permitted* to represent her interests here, and to be heard for the protection of her subjects and their property. In this state of things, British subjects, who still elect to remain in the Confederacy, should not expect to do less than the service now required of them; and while free egress will in no case be denied them, should they desire to depart from this State, less than the service now required will not in future be demanded, in case they choose to remain in the State and enjoy its protection.

Experience has convinced the government at Washington of its inability, by armed force in the battle-field, to combat Southern valor, and compel us to submit to its despotic tyranny. It has, therefore, in connection with that above mentioned, adopted the further policy of destroying agricultural implements, mills and provisions, wherever its armies penetrate into our country, with a view of effecting by star-

vation that which it cannot accomplish by the skill and courage of its troops.

As a further auxiliary to the accomplishment of this object, it drives from the territory overrun by its armies, the men, women and children who are true to the government of their choice, and compels them to seek safety and support in this and other interior States. It thus taxes the productions of the interior States with the support not only of their own population and the armies of the Confederacy, but of a large number of refugees. With the blessings of Divine Providence, which, thanks to His name, have been so abundantly showered upon us, we are, by abandoning the culture of cotton, making ample supplies for another year. While we are surrounded by such an enemy, the British Government cannot fail to see and appreciate the reason why we cannot afford to retain and protect among us a class of consumers who produce none of the necessaries of life, and who refuse to take up arms for interior or local defence, but claim the privilege of remaining as subjects of foreign powers, engaged in commercial pursuits, in ports with which their government recognises no legal commerce.

But you insist that there was no law in existence requiring British subjects to take up arms against the United States Government, when, for commercial purposes, they first took up their residence in this country. You must not forget, however, in this connection, that, at that time, the State of Georgia was, by her own sovereign consent, a component part of the Government of the United States, and that, since that time, she has, for just cause, withdrawn her consent to further connection with the aggressive States of the North, and now, with her Southern sisters, forms the Government of the Confederate States, upon which the States which remain united under the name of the United States, are waging a cruel and unjust war. With this change in the political relations of the country, new obligations are imposed upon the subjects of foreign powers resident within this and other Southern States, which make it their duty to aid in the maintenance of internal order, and in the protection of their domicils and the localities where they are situated, when assailed by the troops of the United States Government, or to depart from the State, and seek protection elsewhere. Again, the commercial reasons which you say caused Her Majesty's subjects to take up their residence here, ceased to exist when Her Majesty's Government refused longer to

recognize the existence of legal commerce between her subjects and the citizens of this State, and warned them of the loss of her protection, if they attempted to carry on commercial relations with us through our ports.

At the time English subjects took up their residence among our people for commercial purposes, our ports were open to the commerce of the world, and foreign governments which had commercial treaties with us, had a right to claim for their subjects engaged in commerce, the usual commercial privileges and protection while domiciled here.

Now, the Government of the United States claims that it has our ports blockaded, and while the whole civilized world knows that the blockade is not effective, and that vessels enter and clear almost daily at our ports, the Government of Her Majesty chooses to recognize it as a legal blockade, and to acquiesce in the paper prohibition, which excludes English subjects with their commerce from our ports. If the British Government adopts the pretensions of the Government of the United States, and holds that Charleston and Savannah are still ports belonging to the United States, it must be admitted that the blockade of these ports by the United States Government, is a palpable violation of the commercial treaty stipulations between the two governments, as the United States Government has no right, under these treaties, to blockade her own ports against English commerce. If tested by the laws of nations, to which the British Government is a party, it is no blockade, because not effective. Under these circumstences, if the government of Her Majesty consents to respect the orders of the United States Government, which forbid British subjects to enter our ports for commercial purposes, that government has no right, while this state of things continues, to claim commercial privileges for its subjects within the ports, where it admits the existence of a legal blockade, but it must expect those subjects to depart from these ports, and if they refuse to do so, it has no just cause of complaint when the government having the possession of these ports compels them to take up arms to defend their domicils against servile insurrection or the attacks of the troops of a hostile power.

I learn from your letter that "nearly all British subjects have taken an oath that they will not, under any circumstances, take part in the contest now raging in this country, by taking up arms on either side." In reply to this, permit me to remind you that no such self-imposed obligation can

free the subjects of Her Majesty who choose to remain in this State, from the higher obligation, which, by the laws of nations, they are under to the State for protection while they remain within its limits.

While I beg to assure you that it is the sincere desire of the Government and people of this State, to cultivate the most friendly relations with Her Majesty's Government and people, I feel it my duty, for the reasons already given, to decline any modification of the order to which you refer in your communication.

With high consideration and esteem, I am, very respectfully, your obedient servant,

(Signed,) JOSEPH E. BROWN.

BRITISH CONSULATE,
Savannah, August 17, 1863.

To His Excellency Governor BROWN, *Marietta:*

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of th 8th instant. I perfectly understood the intentions of the Government in organizing the force of 8,000 men for home defence, but I am obliged to conclude that you have misunderstood me when I admitted the right of the State to claim the services of British subjects, resident within its limits, for the purpose of maintaining internal order, and even, to a limited extent, to defend the places of their residence against local invasion by a foreign power. Such service might be rendered by them in the event of a war by a foreign power, but not in a *civil* war like that which now rages on this continent.

Her Majesty's Government consider that the plainest notions of reason and justice forbid that a foreigner, admitted to reside for peaceful purposes in a State forming part of a Federal Union, should be compelled by that State to take an active part in hostilities against other States, which, when he became a resident, were members of one and the same confederacy. While acknowledging the right of the State, under present circumstances, to the services of British subjects for patrol or police duty, Her Majesty's Government object to any further extension of such service. I have, consequently, under instructions, felt myself compelled to advise those drafted to acquiesce in the duty until they are

required to leave their immediate homes, or to meet the United States forces in actual conflict; in that event to throw down their arms and refuse to render a service, the performance of which would run directly in the teeth of Her Majesty's proclamation, and render them liable to the severe penalties denounced against a violation of the strict neutrality so strongly insisted on in that document, trusting to my interference in their behalf with the Government at Richmond, under whose command they will be. In other States, British subjects, imprisoned for following this advice have already been discharged from custody and service by order of the War Department.

Your Excellency is pleased to inform me that, with the change in the political relations of the country, new obligations are imposed on the subjects of Her Majesty, resident in the South. I do not see why this should be so, seeing that they, by reason of their being aliens, had no voice whatever in the council which brought about the present state of affairs. With regard to the protection afforded by the State to an alien, it appears to me to extend little beyond the safety of life, a guarantee which every civilized community, for its own sake, extends to every sojourner in its midst. You need not be told that the law of Georgia forbids an alien to hold certain kinds of property, and I cannot see how a thing can be protected, which is not suffered to exist. I have nothing to do with British subjects who hold such property in violation of law; but I do protest against the compulsory service, in a civil war, of those who have never contravened the law in this respect.

It is satisfactory to know that the option of leaving the country is allowed to British subjects, and that no obstacles will be thrown in the way of those who prefer to do so, rather than violate the Queen's imperative orders, by meeting in warfare the United States forces. If compelled to take this course, however, I may be permitted to say that the comity usually observed between foreign States is not very scrupulously observed.

I have reason to know that many, who have not hitherto been molested, are, in consequence of Your Excellency's proclamation, preparing to leave, not a few among them being mechanics, worth little or no property, of whose inestimable services at this crisis, the Confederacy will be deprived. Am I to understand that those already drafted may avail themselves of this alternative?

The dispatches which I have received from the British Government, relative to compulsory service, are strong. I am instructed to remonstrate in the strongest terms against *all* attempts to force British subjects to take up arms. Should these remonstrances fail, the "governments in Europe, interested in this question, will unite in making such representations as will secure to aliens this desired exemption."

It has hitherto been in my power to report to Her Majesty's Government, that her subjects have not been called upon take up arms in this war. I regret that Your Excellency's decision makes it impossible to do so hereafter; the more so, as the course contrasts so strongly with the conduct of the United States Government, who have conceded the claim of *bona fide* British subjects to exemption from any military service whatever, and also with that of the Governors of other Southern States, who, upon representation, ordered the discharge of British subjects, forcibly detained in service.

I am, sir, your most obedient servant,

(Signed,) A. FULLARTON,
Acting-Consul.

MARIETTA, August 26, 1863.

Mr. A. FULLARTON,

Acting Consul of Great Britain:

DEAR SIR: In your letter of the 17th inst., now before me, you conclude that I misunderstood you when you admitted the right of the State to claim the services of British subjects resident within its limits to defend, to a limited extent, the places of their residence against local invasion by a foreign power. You are pleased to say that such service might be rendered by them in the event of a war by a "foreign power," but not in a civil war, like that which now rages on this continent. Then you still admit that, by the laws of nations, Her Majesty's subjects, resident in this State, may be compelled to render the service now required; in other words, to defend the places of their residences against local invasion by a foreign power. And it follows, you being the

judge, that the claim now made upon Her Majesty's subjects for service, is in accordance with the laws of nations, if the Confederate States, of which Georgia is one, are at war with a foreign power. But in your attempt to escape the just conclusion, which results from your admissions, you virtually deny that the United States is a foreign power, and claim that Georgia is still a component part of the government of the United States. You have probably been influenced in your persistence in this error by the forbearance of the government and people of the Confederate States in permitting Her Majesty's Consuls to remain among us, in the exercise of the functions of a position to which they were originally accredited by the government of the United States. As it is no part of my purpose to enter into an argument to convince you that the United State is a hostile power *foreign* to Georgia, I will dismiss this part of the controversy with the single remark that, if your pretensions be correct, your appeal for the protection of British subjects resident within this State, should have been to the government at Washington, and not to me.

You are pleased to inform me, that you have felt compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes, or to meet the United States forces in actual conflict, in that event to throw down their arms, and refuse to render a service, the performance of which would run directly in the teeth of Her Majesty's proclamation, &c. It is worthy of remark, that the language you employ is, "to leave their immediate homes, *or* to meet the United States forces in actual conflict." Your advice, then, to British subjects, if I correctly understand it, is that when the United States forces attack the immediate lacality of their homes or their own houses they are not to defend them, as required by the laws of nations, against such local invasion; but they are to throw down their arms, and refuse to fight for the protection of their domicils. In reply to this, it is my duty to inform you that I can neither be bound by your pretensions that the United States is not a foreign power to Georgia, nor can I admit the right of Her Majesty, by proclamation, to change the laws of nations, and insist upon maintaining her subjects here, and exempting them from the performance of the duties imposed upon them by the laws of nations. When the troops now drafted have been turned over to the Government of the Confederate States, to be held in readiness to repel local invasion, if

they should, upon the approach of a hostile force, follow your advice and throw down their arms, that government will have the power to pardon for such conduct, or to strike their names from its muster rolls, if it chooses to do so; but if an attack should be made by the enemy upon the immediate locality of their homes, while I control and command the forces to which they are attached, and they should be guilty of conduct so unnatural and unmanly as to throw down their arms and refuse to defend their domicils, they will be promptly dealt with as citizens of this State would be, should they be guilty of such dishonorable delinquency.

In another part of your lettter you take occasion to say that you do not see why the change in the political relations of this country has imposed new obligations upon the subjects of Her Majesty, as they had no voice in the councils which brought about the present state of affairs. With the same reason you might say, that you cannot see why the laws of nations require British subjects in any case to defend their domicils, when located in a foreign country, against the local invasion of another foreign power, when they had no voice in the councils which formed the government in which they are permitted to reside. I insist that British subjects, resident within its limits, though they had no voice in the formation of the new government, owe the same service to it, when established, which they owed before its formation to the government whose power originally extended over its territory, and embraced their homes; and that they are bound to conform their conduct to the new order of things, or to seek homes and protection elsewhere.

But I am informed by your letter that with regard to the protection afforded by the State to an alien, it appears to you, to extend little beyond the safety of life. And as the laws of Georgia forbid an alien to hold certain kinds of property, you cannot see how a thing can be protected which is not suffered to exist.

Upon the first point I need only remind you that our courts are at all times open to aliens belonging to friendly powers for the redress of their wrongs, and that the same protection is extended to their persons, and all the property they legally possess which is enjoyed by citizens of this State.

I trust a re-examination of the laws of your own country would satisfy your mind upon the other point, as you will there find that the laws of Great Britain forbid an alien to hold "certain kinds of property," and it is the boast of that

government, that it protects aliens who reside within its jurisdiction. The laws of Great Britain in reference to the rights of aliens to hold certain kinds of property, while domiciled in that kingdom, are certainly not more liberal to the citizens of Georgia, than the laws of Georgia are to the subjects of Great Britain.

While I am unable to perceive the justice of your complaint in the particulars last mentioned, it is gratifying to know that there is no law of nations or of this State which throws any obstructions in the way of the removal of any British subject from the State, who is not satisfied with the privileges and protection which he enjoys. You remind me, however, that not a few of them are mechanics, of whose inestimable services at this crisis, the Confederacy will be deprived, in case of their removal. These mechanics have no doubt, remained in this State because they felt it their interest to remain. And, in reference to them, this State will very cheerfully adopt the rule which generally controls the British Government. She will consult her own interest, and will exempt from military service for local defence such mechanics, who are aliens, as choose to remain, and as will be more serviceable in that capacity.

I reply in the affirmative to your inquiry, whether aliens already drafted may avail themselves of the alternative of leaving the State in preference to rendering the service. While an alien will not be permitted to evade the service by leaving the State temporarily during the emergency, and then returning, his right to leave permanently, when he chooses, will not be questioned. I do not insist that an alien shall remain here to serve the State, but I contend that, while he chooses to remain under the protection of the State, he is bound by the laws of nations and of this State to obey her call to defend his domicil against insurrection or local invasion.

This, I apprehend, is all that is intended to be claimed by your government in the instructions which you quote. While the British Government has a right to demand that its subjects shall not be detained here against their will and compelled to take up arms on either side, it certainly would not place itself before the world in the false position of insisting on the right of its subjects to remain in another State, contrary to the wish of the government of such State, and to be exempt from the service which, by the common consent of nations, such State has a right to demand.

You conclude your letter by informing me that my decision contrasts strongly with the conduct of the United States Government, who have conceded the claim of *bona fide* British subjects to exemption from any military service whatever.

As the United States Government is the invading party in this war, and can but seldom need the services of British subjects to defend their domicils, which are scarcely ever subject to invasion; as it has no right, under the laws of nations, to compel them to bear arms in its invading armies; as it is not in a condition to be compelled to economize its supply of provisions, and as it is reported that it has, by the use of moneys, drawn large numbers of recruits for its armies from the dominions of Her Majesty, in violation of the laws of her realm, it may well afford to affect a pretended liberality which costs it neither sacrifice nor inconvenience. But you say that my decision also contrasts strongly "with that of the Governors of other Southern States, who, upon representation, ordered the discharge of British subjects forcibly detained in service." In a former part of your letter, when speaking of the advice given to British subjects, to throw down their arms, in case they should be required to meet the forces of the United States in actual conflict, you use this sentence: "In other States British subjects imprisoned for following this advice have already been discharged from custody and service by order of the War Department." Excuse me for remarking that these two sentences *contrast so strongly* with each other that I am unable to understand why it become necessary for the War Department to interfere and discharge British subjects imprisoned in other States for throwing down their arms and refusing to fight, if the Governors of those States had, upon representation, in all cases ordered the discharge of British subjects forcibly detained in service.

Trusting that my position is fully understood by you, and that it may not be necessary to protract this discussion, I am, with high consideration and esteem,

Very respectfully,

Your obedient servant,

(Signed,) JOSEPH E. BROWN.

BRITISH CONSULATE,
Savannah, September 12, 1863.

To His Excellency, Governor BROWN, *Marietta:*

SIR: In your letter of the 26th ultimo, your Excellency informed me that aliens already drafted may avail themselves of the alternative of leaving the State in preference to rendering service. I have now the honor, therefore, to request your Excellency to issue orders to your officers, to grant J. D. and F. M. Rieley, two drafted British subjects, residents of Rome, Georgia, leave to quit the State, and permission to remain unmolested in Rome thirty days to settle their affairs in that city.

I am, sir, your most obedient servant,

(Signed,) A. FULLARTON,
Acting Consul.

MARIETTA, September 14, 1863.

Mr. A. FULLARTON, *Acting Consul of Great Britain:*

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, in which you request me to issue orders to the commanding officers to grant J. D. and F. M. Rieley, two drafted British subjects, residents of Rome, Georgia, leave to quit the State, and permission to remain unmolested in Rome thirty days to settle their affairs in that city. This permission will be cheerfully granted upon the production to me of sufficient evidence that the persons named are British subjects.

By an ordinance of the Convention of this State, representing her people and her sovereignty, passed on the 16th day of March, 1861, it is declared:

"That all white persons resident in this State at the time of the secession of the State from the United States, with the *bona fide* intention of making it the place of their permanent abode, shall be considered as citizens of this State without reference to their place of birth: *Provided*, That any person not born in this State can except him or herself from the operation of this ordinance by a declaration in any court of record in the State, within three months from this date, that he or she does not wish to be considered a citizen of this State."

The ordinance of secession referred to in the above quotation was passed on the 9th day of January, 1861.

If the Messrs. Rieley were resident in this State on the 19th day of January, 1861, and did not file their declaration in a court of record in this State within three months from the 16th day of March, 1861, that they did not wish to become citizens of this State, they accepted the privileges and obligations of citizenship offered to them by the State, and ceased to be British subjects, and, are consequently, not entitled to the leave to quit the State, for which you ask under my letter of 26th ultimo. If, however, they became residents of this State at any time since the 19th day of January, 1861, or if they were then residents, and filed their declaration as required by the ordinance, within three months after the 16th day of March, 1861, they will be allowed the thirty days to arrange their affairs, as you request, and permitted to depart from the State at the expiration of that term.

With high consideration,

I am, very respectfully,

Your obedient servant,

(Signed,) JOSEPH E. BROWN.

STATE OF GEORGIA,
Executive Department,
Milledgeville, October 19, 1863.

I, Henry H. Waters, Secretary of the Executive Department, do hereby certify that the above and foregoing twenty-seven manuscript pages embrace a full and complete copy of a correspondence between His Excellency, Joseph E. Brown, Governor of Georgia, and Mr. A. Fullarton, Acting Consul of Great Britain, resident at Savannah, on the subject of the obligation of British subjects, resident in this State, to do military duty in this State, which correspondence is on file in this department.

Given under my hand, and the seal of the Executive Department, the day and year first above written.

SEAL.

(Signed,) H. H. WATERS,
Secretary Executive Department.

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